IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 564 OF 2004

IN

CHAMBER SUMMONS NO. 550 OF 1993

IN

SUIT NO. 227 OF 1982

Gujarat State Financial
Corporation ..Plaintiff

versus

Pratapsidngh S. Vallabhdas & Ors. ..Defendants

And

Smt. Sridevi N. Ruparel ..Applicant

Mr. Jaydeep Raut i/b. Ms. U. M. Jhaveri for the Plaintiff.

Mr. K. B. Irani i/b. Harish Joshi & Co.for the Defendants.

CORAM : D. G. DESHPANDE,J.

DATE : 24TH SEPTEMBER, 2004.

P.C. :

. This notice of motion is taken out by the applicant Defendant No.2(a) to set aside and recall the order passed by me on 24.11.2003 in Chamber

Summons No. 550 of 1993, the effect of which was to bring the defendant no. 2(a) - Applicant on record in the suit as legal heir of the deceased defendant No.2. Counsel for the defendant No.2 admits that Smt. Sridevi Narandas Ruparel is the legal heir of deceased defendant No.2. However, he contends that the suit has already abated before the chamber summons was taken out by the plaintiff. He also contends that false affidavit was filed by the plaintiff about service. The contention that the suit is abated can be taken by the applicant in the written statement because she is admittedly the legal heir of the deceased defendant No.2. Notice of motion is disposed of with liberty to the defendant No.2 to file written statement and raise that objection. Reply taken on record.

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